

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3337 of 2015

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Vishwajeet Kumar Son of Sri Sidheshwar Prasad, Resident of Village Pranchak,
Post Office Dayalpur, Police Station Chandi, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director Primary Education, Education Department, Government of Bihar, Patna.
4. The District Magistrate, Nalanda at Biharsharif.
5. The District Education Officer Nalanda at Biharsharif.
6. The District Program Officer (Established) Nalanda at Biharsharif.
7. The Block Development Officer Tharthari, District Nalanda.
8. The Block Education Officer, Tharthari, District Nalanda.
9. The Head Master Utkramit Madhya Vidyalay, Amera (Tharthari) under Gram Panchayat Raj Amera, District Nalanda.
10. The Mukhiya, Gram Panchayat Raj, Amera, District Nalanda.
11. The Panchayat Secretary, Gram Panchayat Raj, Amera, District Nalanda.
12. Sushant Kumar Son of Raj Kishore Kumar Resident of Village Berama, Post Office Amraura at present Panchayat Teacher Utkramit Madhya Vidyalay, Amera (Tharthari) under Gram Panchayat Raj Amera, District Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar, Advocate
For the State	:	Mr. Dinesh Maharaj, Advocate
For the Respondent No. 12	:	Mr. Nawal Kishor Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 28-08-2018

Heard learned counsel for the petitioner; State and
respondent no. 12.

2. The petitioner has moved the Court for the
following reliefs:

*“I. For quashing the letter no. 1445
dated 30.12.2014 issued by the Block
Development Officer Tharthari, District
Nalanda whereby and where under the
petitioner has been terminated from the post of*



Panchayat Teacher in Utkramit Madhya Vidyalay Amera under Gram Panchayat Raj Amera, District Nalanda, without initiating a departmental proceeding in term of Rule 14 of the Bihar Panchayat Primary Teacher (Selection and Service Condition) Rule 2012 and that too by an officer, who has no jurisdiction to exercise such jurisdiction and further in spite of the fact that the petitioner had been appointed in term of the order dated 14.09.2010 passed in Case No. 101/2010 and 108/2010 by the Teacher Appellate Tribunal, Nalanda.

II. For appointment of Private respondent be also cancelled, who had been appointed at the place of the petitioner by the same aforementioned order.

III. For reinstatement of the petitioner on the post of Panchayat Teacher in Utkramit Madhya Viddyalay Amera under Gram Chanchayat Raj Amera, District- Nalanda, with all consequential benefits.”

3. The fact that the petitioner claims his appointment on the post of Panchayat Teacher and all matters relating to appointment as well as service condition of such teachers being amenable to the District Teachers Employment Appellate Authority of the concerned District, in the considered opinion of the Court, the present matter should at the first instance be agitated before such forum.

4. In view thereof, the writ petition stands disposed off with liberty to the petitioner to move before the District Teachers Employment Appellate Authority, Nalanda for the relief sought for



in the present writ application. If the petitioner moves before the said forum within four weeks from today, the matter shall be considered and disposed off of merits, expeditiously and within the statutory period.

(Ahsanuddin Amanullah, J.)

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